



CITY OF LODI COUNCIL COMMUNICATION

AGENDATITLE: Set public hearing for April 5, 2006 to consider the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File# U-05-020)

MEETING DATE: March 15, 2006

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set public hearing for April 5, 2006 to consider the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File# U-05-020)

BACKGROUND INFORMATION: At their meeting of February 8, 2006, the Lodi City Planning Commission held a Public Hearing to consider the request of Vineyard Christian Middle School for a Use Permit to locate a private school on the property of Lodi Avenue Baptist Church, 2301 West Lodi Avenue. Following extensive public testimony and discussion, the Public Hearing was continued to the following meeting date of February 22, 2006 to allow the Planning Commission to receive additional information from the applicant and City staff. Based on the public testimony and discussion from the two meetings, the Planning Commission voted to approve the Use Permit request at the meeting of February 22, 2006.

Some of the neighbors, particularly those directly east of the proposed school site, spoke in opposition to placing the school at this location. They are concerned that the presence of the school on the church property will adversely affect their neighborhood which they characterized as a quiet residential area. The neighbors expressed general concerns regarding added traffic, noise and litter that will result from the school. They are also concerned about the aesthetic impacts the proposed school buildings will have on the neighborhood.

In order to address the neighbor's concerns, the Planning Commission continued the Public Hearing of February 8, 2006 to their next meeting of February 22, 2006. They directed staff to work with the applicant to see if there were solutions that could be developed that would address the concerns of the

APPROVED: 
Blair King, City Manager

neighbors. Staff came back with a number of possible conditions that could be placed on the project to address some of the issues raised by the neighbors. The Planning Commission also took additional public comments regarding the project and the new conditions. Based on the information presented at the hearings, the Planning Commission determined that the proposed school was an appropriate **use** for the location and approved a Use Permit for Vineyard Christian Middle School to operate at this location.

A group of neighbors that object to the proposed project have filed an appeal of the Planning Commission's action to grant a Use Permit for the school. The appeal is to have the City Council overturn the actions of the Planning Commission and to deny the Vineyard Christian Middle School **Use** Permit.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not Applicable



Randy Hatch
Community Development Director

Attachment: Staff report and Planning Commission Resolution

cc: City Attorney

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a ~~citizen~~ of the United States and a resident of the County aforesaid I am over the age of ~~eighteen years and not a party to or interested~~ in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

Match 18th

all in the year 2006

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 18th day of March 2006.

Kane Rosales
Signature

This space is for the County Clerk's Filing Stamp

Proof of publication of
Notice of Public Hearing for April 19, 2006 for the appeal
of the Planning Commission decision of February 22, 2006
to approve a Use Permit for Vineyard Christian Middle
School to Place a Private 6th, 7th, 8th Grade School on the
grounds of Lodi Avenue Baptist Church at 2301 West Lodi
Avenue (File XU-05-020)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, April 19, 2006 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue (File #U 05-020)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

By Order of the Lodi City Council
Susan J. Blackston
City Clerk

Dated: March 15, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney
March 18, 2006 - 05511644

5511644



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT NOTICE OF PUBLIC HEARING FOR April 19, 2006 for the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File #U-05-020).

LEGAL AD

PUBLISH DATE: March 18, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: March 16, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 9:55 AM (time) on 3/16/06 (date) 2 (pages)
Phoned to confirm receipt of all pages at 2:50 (time) JLT ☒ DRC JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING FOR April 19, 2006 for the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File # U-05-020).

On Friday March 17, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File #U-05-020) was posted at the following locations;

Lodi Public Library
Lodi City Clerks Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

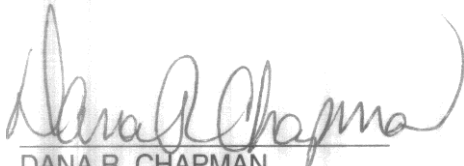
Executed on March 17, 2006, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING FOR April 19, 2006 for the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File #U-05-020)

On March 16, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, for the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File #U-05-020)

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct

Executed on March 16, 2006, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

A handwritten signature in dark ink, appearing to read "Dana R. Chapman", is written over a horizontal line.

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 19, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

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By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: March 15, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney